

### REMARKS

Claims 1, 5-16, 20-31 and 35-45 are pending in the present application. Claims 1, 7, 11, 16, 22, 26, 31, 37 and 41 have been amended, and Claims 2-4, 17-19 and 32-34 have been cancelled, herewith. Reconsideration of the claims is respectfully requested.

#### I. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 11, 12, 14, 15, 26, 27 and 29 under 35 U.S.C. § 102(b) as being anticipated by Bauer et al. (US Pat# 5,858,900). This rejection is respectfully traversed.

Applicants have amended Claim 11 to further clarify and distinguish the present invention from the teachings of the cited reference. In particular, Claim 11 has been amended to clearly recite that either of the parties to a call – the originator of the call or the recipient of the call – can pick-up the charges of the other party, as described at least at Specification page 3, lines 6-7. In addition, the determination of which party accepts the charge of the other is made during the call itself. In contrast, the cited Bauer reference only contemplates a unilateral ability to accept charges of another – specifically that of a called party accepting charges of a calling party. The present invention expands upon such concept by providing bi-lateral billing intervention by either party to the call, which is particularly useful when the parties are using various types of communication devices that have various charges associated therewith, such as mobile phones having different layers of charges such as airtime, long distance, etc. Thus, it is shown that the amendment to Claim 11 has overcome the rejection of such claim as being anticipated by Bauer.

Applicants traverse the rejection of Claims 12, 14 and 15 for reasons given above regarding Claim 11 (of which Claims 12, 14 and 15 depend upon).

With respect to Claim 26 (and similarly for dependent Claims 27 and 29), Applicants have amended such claim in similar fashion to Claim 11, and traverse the rejection of Claim 26 (and similarly for dependent Claims 27 and 29) for similar reasons to those given above regarding Claim 11.

Therefore, the rejection of Claims 11, 12, 14, 15, 26, 27 and 29 under 35 U.S.C. § 102 has been overcome.

## **II. 35 U.S.C. § 103, Obviousness**

A. The Examiner rejected Claims 1-10 and 16-25 under 35 U.S.C. § 103(a) as being unpatentable over Gundlach (US Pat# 6,442,257) in view of Kim (US Pat# 5,937,044). This rejection is respectfully traversed.

Applicants have amended Claim 1 to further clarify and distinguish the present invention from the teachings/suggestions of the cited reference. In particular, Claim 1 has been amended to recite that the party being billed is not a party to the telephone conversation – i.e. a third party billing intervention scheme. The cited Gundlach reference only contemplates that a called party can be for charges of the calling party (Gundlach Abstract; column 2, lines 1-6). Similarly, the cited Kim reference only contemplates a shifting of billing from a calling party to a called party (column 6, lines 1-15). None of the cited references teach or suggest third party billing intervention, and in particular the cited references do not teach or suggest that the party being billed is not a party to the telephone conversation. Thus, the amendment to Claim 1 is shown to have overcome the obviousness rejection, as there is at least one claimed feature not taught or suggested by the cited references.

Such third party billing advantageously provides, for example, an ability for establishment of free air-time toll numbers, where a person who calls one of the airtime phone numbers will have their airtime billing and/or other charges assumed by the holder of the airtime number, as described at Specification page 18, line 30 – page 19, line 8.

Claims 2-4 have been cancelled herewith without prejudice or disclaimer.

With respect to Claims 5-10, Applicants traverse for reasons given above regarding Claim 1 (of which Claims 5-10 depend upon).

With respect to Claim 16, Applicants have amended such claim in similar fashion to Claim 1, and traverse the rejection of Claim 16 for similar reasons to those given above regarding Claim 1.

Claims 17-19 have been cancelled herewith without prejudice or disclaimer.

With respect to Claims 20-25, Applicants traverse for reasons given above regarding Claim 16 (of which Claims 20-25 depend upon).

Therefore, the rejection of Claims 1-10 and 16-25 under 35 U.S.C. § 103(a) has been overcome.

**B.** The Examiner rejected Claims 13 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Bauer et al. (US Pat# 5,858,900). This rejection is respectfully traversed.

With respect to Claim 13 (and similarly for Claim 28), Applicants traverse for similar reasons to those given above with respect to amended Claim 11, and show that the cited reference does not teach or suggest the claimed feature that either of the parties to a call – the originator of the call or the recipient of the call – can pick-up the charges of the other party. Therefore, the rejection of Claims 13 and 28 under 35 U.S.C. § 103(a) has been overcome.

**C.** The Examiner rejected Claims 31-40 under 35 U.S.C. § 103(a) as being unpatentable over Gundlach (US Pat# 6,442,257) in view of Kim (US Pat# 5,937,044) or Bauer et al. (US Pat# 5,859,900) and {Marsh et al. (US Pat# 6,574,465) or Zdanowski et al. (US Pat# 5,483,575) or Son et al. (US Pat# 6,201,957)}. This rejection is respectfully traversed.

With respect to Claim 31, Applicants traverse for similar reasons to those given above with respect to amended Claim 1, and show that none of the cited references teach or suggest the claimed feature of third party billing intervention, and in particular none of the cited references teach or suggest that the party being billed is not a party to the telephone conversation.

Applicants have cancelled Claims 32-34 herewith.

With respect to Claims 35-40, Applicants traverse for reasons given above regarding Claim 31 (of which Claims 35-40 depend upon).

Therefore, the rejection of Claims 31-40 under 35 U.S.C. § 103(a) has been overcome.

D. The Examiner rejected Claims 41-45 under 35 U.S.C. § 103(a) as being unpatentable over Baucr et al. (US Pat# 5,859,900) in view of {Marsh et al.(US Pat# 6,574,465) or Zdanowski et al. (US Pat# 5,483,575) or Son et al. (US Pat# 6,201,957)}. This rejection is respectfully traversed.


With respect to Claim 41 (and similarly for Claims 42-45), Applicants traverse for similar reasons to those given above with respect to amended Claim 11, and show that the cited reference does not teach or suggest the claimed feature that either of the parties to a call – the originator of the call or the recipient of the call - can pick-up the charges of the other party. Therefore, the rejection of Claims 41-45 under 35 U.S.C. § 103(a) has been overcome.

### III. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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